REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-5 are pending in the present Application. Claims 1-3 and 5 have been amended. Support for the amendment of Claims 1-3 and 5 can be found at least on page 10, line 10 through page 14 line 4. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1-5 are provisionally rejected under the judicially created Doctrine of Obviousness-type double patenting; Claims 1 and 3-5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dworkin (U.S. Publication No. 2002/0071540); and Claim 2 stands rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Dworkin.

DOUBLE-PATENTING REJECTION

The Official Action has provisionally rejected Claims 1-5 under the judicially created Doctrine of Obviousness-type double patenting over Claims 1-4 of co-pending Application Serial No. 10/067,310 and Claims 1-6 of co-pending Application Serial No. 10/067,350.

In response, Applicants have filed herewith a Terminal Disclaimer. Accordingly, Applicants respectfully request that the double-patenting rejection be withdrawn.

The filing of a Terminal Disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. The "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided

for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

REJECTION UNDER 35 U.S.C. § 102

The Official Action has rejected Claims 1 and 3-5 under 35 U.S.C. § 102(e) as being anticipated by Dworkin (U.S. Publication No. 2002/0071540).

The Official Action states that Dworkin discloses all the elements of the Applicants' claims. Applicants respectfully traverse the rejection.

Claim 1 recites, *inter alia*, an information processing apparatus, including:

> a generation unit configured to generate the chat space corresponding to the reservation at a predetermined time prior to a distribution start time designated by the reservation; and
>
> a providing unit configured to provide the chat space to the first terminal and the second terminal designated to be distributed by the first terminal.

By way of background, distribution of multimedia content is increasingly performed by way of a network, such as the Internet. In a collaborative setting, where multiple users are accessing a live streaming broadcast of video, for example, the ability to communicate during the video distribution has become necessary. Typically, this collaboration is by way of text-based communication whether in email or text messaging formats. Presently, video distribution and text messaging services are separate as multiple users are likely to use one of the plurality of available services.

Due in part to the above deficiency in the art, the present invention is provided. With at least this object in mind, a brief comparison of the claimed invention, in view of the cited references, is believed to be in order.

Dworkin describes an application service provider environment for providing a distributed conferencing configuration. As shown in Fig. 1 of this reference, the configuration (99) includes a plurality of users (100A-100F) employing the Internet (104). Conferencing resources (112) include both hardware and software components, which are hosted and managed by a conferencing application service provider (110).[1]

In operation, the users (100) may employ the services of the conferencing configuration to facilitate distribution of data and video conferencing without the expense and overhead associated with owning and maintaining their own conference resources. For example, an individual user (100A) would register with the application service provider (ASP) and be provided with an application program interface (API) to receive the necessary software for support facilitating communication with the provider. Likewise, the user may user third-party instant messaging software to communicate with other users. In addition, the ASP may employ a messaging utility (122), such that upon registration, a user downloads an instant messaging plug-in for use with a user interface (100B). In this way, the user can initiate a conference by inviting other instant messaging participants registered with the ASP.[2]

Conversely, in an exemplary embodiment of Applicants' invention, a live distribution service for streaming contents to users is provided in accordance with a reservation made in advance. In operation, a user, such as a personal computer (3), provides contents for distribution according to a reservation to a streaming server (5). Personal computers (4-1 - 4-3) receive the streaming contents from the streaming server according to the reservation made by the personal computer (3).[3] During the delivery of the streaming content, a chat

[1] Dworkin at paragraph 14.
[2] Dworkin at paragraphs 16-17.
[3] Application at page 8.

space is created corresponding to the reservation of the streaming distribution. In this way, the chat space is automatically generated to be coincident with the delivery of the streaming content. Thus, while Dworkin describes only supporting third-party instant messaging services and providing an instant messaging plug-in to users, there is no disclosure or suggestion of creating a dedicated chat space in accordance with a reservation, such that the chat space is available coincident to a streaming distribution, as recited in amended Claim 1. Accordingly, Applicants respectfully submit that Claims 1, and 3-5, which recite substantially similar limitations to those discussed above, patently define over Dworkin; and, Applicants respectfully request that the rejection of Claims 1 and 3-5 under 35 U.S.C. § 102(e) be withdrawn.

The Official Action has rejected Claim 2 under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Dworkin. The Official Action states that Dworkin discloses all the elements of the Applicants' claims, or, in the alternative, that Dworkin teaches the implementation of a chat space at a predetermined time. Applicants respectfully traverse the rejection.

As discussed above, Dworkin does not disclose all the elements of the pending claims, and therefore, the Official Action does not present a *prima facie* case of obviousness with regard to any of the pending claims.

Accordingly, Applicants respectfully request that the rejection of Claim 2 under 35 U.S.C. § 102/103 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-5, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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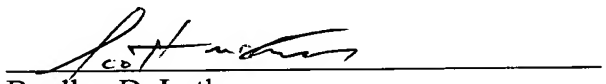

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